THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 25905 of 2005

Dated:19 -12-2006

Between:

Ganga Putra Sangam,
A registered society, rep., by its Secretary,
Bhimraovada, M.J.Road, Hyderabad.

..... PETITIONER

AND

A.P. Housing Board, rep., by its Vice-Chairman
And Managing Director, Nampally,
Hyderabad and 4 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 25905 of 2005

O R D E R:

The petitioner claims to be a registered society constituted with the main object of welfare of its members who are all occupants of Bhimaraowada, M.J.Road, Hyderabad. It is claimed that the ancestors of the members of the petitioner-society were put in possession of small extents of land of Bhimaraowada almost 60 years ago and since then they have been in continuous possession and enjoyment of the same. Most of them being daily labourers have got constructed tiny structures as their dwelling houses and have been residing along with their families. The structures were also allotted house numbers by the municipal authorities long back.

Though the members of the society have been requesting for release of grants for constructions of pucca houses, no such grants have been released, however, they were issued D-Form pattas by the Revenue Divisional Officer, Hyderabad.

It is alleged that at the instance of some of the members of the ruling party, the respondent-authorities visited Bhimaraowada on 22-11-2005 and threatened the occupants to vacate their houses and to return the D-Form pattas. The members of the petitioner-society resisted the said attempt and brought to their notice that the Government had actually assured that they would be provided pucca houses with all amenities in the place of the existing structures. With great difficulty the members of the petitioner-society were granted two weeks time. Aggrieved by the said action of the respondents and apprehending imminent dispossession of their respective houses, this

writ petition was filed on 03-12-2005 seeking a declaration that the action of the respondents in threatening to dispossess the occupants of Bhimaraowada without following due process of law is arbitrary and illegal.

A counter affidavit has been filed by the Mandal Revenue Officer, Nampally, Hyderabad on behalf of respondents 3 to 5 denying the allegation that the respondents have been threatening the members of the petitioner-society to vacate and handover the land in their occupation. It is further stated that the plea that the members of the petitioner-society were put in possession of the respective extents of land at Bhimaraowada long back and they have been in possession and enjoyment for the past 60 years is not correct. As a matter of fact, the respondents volunteered to construct alternative houses to the petitioners as the pattas were issued on mistake of fact in the year 1996 by the 4th respondent. It is also explained that except making a spot verification, the officials never attempted to dispossess the petitioners and that no action to evict the occupants would be taken without following due process of law.

I have heard the learned counsel for both the parties.

From the material on record, it is clear that the respondents are not disputing the possession of the members of the petitioner-society and that they were granted D-Form pattas. However, it is contended that the pattas were issued by the 4th respondent on mistake of fact. Even assuming that the pattas were wrongly granted, nothing has been placed before this Court to show that any steps have been taken to cancel the pattas. Thus admittedly they are holding valid pattas as on today. It is also clear that the land in question was declared as slum area under the provisions of the Andhra Pradesh Slum improvement (Acquisition of lands) Act, 1956 (for short 'the Act'). Any further steps under the provisions of the said Act, can be taken only in compliance with the procedure prescribed under the Act and the Rules made thereunder.

In the light of the undisputed facts, I am of the opinion that the

possession of the members of the petitioner-society cannot be disturbed without following due process of law. As a matter of fact, the respondents 3 to 5 in their counter affidavit denied the alleged attempts to dispossess the members of the petitioner-society high handedly and undertook that any action would be taken in accordance with the due process of law.

In the circumstances, the undertaking given by the respondents 3 to 5 in their counter affidavit is placed on record and the writ petition is allowed as prayed for with a direction to the respondents not to interfere with the possession of the members of the petitioner-society in respect of the land in question, including demolition of the existing structures, without following due process of law. No costs.

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G. ROHINI, J

Dated:19-12-2006
KLP